Electronically filed August 8, 2007

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7	Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC	
8	UNITED STATES BANKRUPTCY COURT	
9	DISTRICT OF NEVADA	
10	In re:	Case No. BK-S-06-10725 LBR
	USA COMMERCIAL MORTGAGE COMPANY,	Case No. BK-S-06-10726 LBR
11	,	Case No. BK-S-06-10727 LBR
12	USA CAPITAL REALTY ADVISORS, LLC,	Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR
13	USA CAPITAL DIVERSIFIED TRUST DEED	Cust I (d. Bir S do I (d/2) EBIC
13	FUND, LLC,	Chapter 11
14		-
	USA CAPITAL FIRST TRUST DEED FUND, LLC	·   •
15		Case No. BK-S-06-10725-LBR
1.0	USA SECURITIES, LLC,	240
16	Debtors.	NOTICE OF ENTRY OF ORDER
17		SUSTAINING OMNIBUS
		OBJECTION OF POST-EFFECTIVE DATE USA CAPITAL DIVERSIFIED
18		TRUST DEED FUND, LLC, TO
		CLAIMS FILED BY JAMES W.
19		SHAW, FIRST TRUST COMPANY OF
20		ONAGA, CUSTODIAN FOR
20		CHARLES CUNNINGHAM, SR., IRA,
21		DOROTHEA K. OVERLEESE
		REVOCABLE TRUST, HALSETH
22		FAMILY TRUST, KATRINE
22		MIRZAIAN, ERNEST J. MOORE,
23		DARLENE TURNER, DONALD AND
24		BEVERLY SWEZEY 2001 TRUST,
-	A Chartan	AND DAVID B. KRYNZEL
25	Affects:  □ All Debtors	
	☐ USA Commercial Mortgage Company	Hearing Date: July 27, 2007
26	☐ USA Commercial Mortgage Company ☐ USA Securities, LLC	Hearing Time: 9:30 a.m.
27	☐ USA Capital Realty Advisors, LLC	Hearing Place: Courtroom 1
27	■ USA Capital Diversified Trust Deed Fund, LLC	
28	USA First Trust Deed Fund, LLC	
- 1		

PLEASE TAKE NOTICE that on the 7th day of August 2007, the Court entered its 1 Order Sustaining Omnibus Objection of Post-Effective Date USA Capital Diversified Trust 2 Deed Fund, LLC, To Claims Filed By James W. Shaw, First Trust Company Of Onaga, 3 Custodian For Charles Cunningham, Sr., IRA, Dorothea K. Overleese Revocable Trust, Halseth 4 Family Trust, Katrine Mirzaian, Ernest J. Moore, Darlene Turner, Donald and Beverly Swezey 5 2001 Trust, and David B. Krynzel, a true and correct copy of which is attached hereto. 6 DATED this 8th day of August 2007. 7 8 BECKLEY SINGLETON, CHTD. 9 By: /s/ Anne M. Loraditch 10 Bob L. Olson, Esq. (NV Bar No. 3783) 11 Anne Loraditch, Esq. (NV Bar No. 8164) 530 Las Vegas Boulevard South 12 Las Vegas, NV 89101 13 Attorneys for USA Capital Diversified Trust Deed Fund, LLC 14 15 16 17 18 19 20 21

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Case 06-10725-qwz Doc 4429 Entered 08/08/07 14:20:31 Page 3 of 7 Doc #: 4419 Filed: 08/07/2007 Case: 06-10725-lbr Page: 1 of 5 1 2 3 **Entered on Docket** August 07, 2007 4 Hon. Linda B. Riegle **United States Bankruptcy Judge** 5 Marc A. Levinson (California Bar No. 57613) Bob L. Olson (Nevada Bar No. 3783) 6 Jeffery D. Hermann (California Bar No. 90445) Anne M. Loraditch (Nevada Bar No. 8164) ORRICK, HERRINGTON & SUTCLIFFE LLP BECKLEY SINGLETON, CHARTERED 7 400 Capitol Mall, Suite 3000 530 Las Vegas Boulevard South Sacramento, CA 95814-4497 8 Las Vegas, NV 89101 Telephone: (916) 447-9200 Telephone: (702) 385-3373 9 Facsimile: (916) 329-4900 Facsimile: (702) 385-5024 Email: malevinson@orrick.com; bolson@beckleylaw.com; Email: 10 jhermann@orrick.com aloraditch@beckleylaw.com 11 Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC 12 UNITED STATES BANKRUPTCY COURT 13 DISTRICT OF NEVADA 14 In re: Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR 15 USA COMMERCIAL MORTGAGE Case No. BK-S-06-10727 LBR COMPANY, 16 Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR 17 USA CAPITAL REALTY ADVISORS, LLC. Chapter 11 18 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, Jointly Administered Under 19 Case No. BK-S-06-10725-LBR USA CAPITAL FIRST TRUST DEED FUND. 20 LLC, ORDER SUSTAINING OMNIBUS **OBJECTION OF POST-EFFECTIVE** 21 USA SECURITIES, LLC, DATE USA CAPITAL DIVERSIFIED 22 TRUST DEED FUND, LLC, TO Debtors. CLAIMS FILED BY JAMES W. 23 SHAW, FIRST TRUST COMPANY OF ONAGA, CUSTODIAN FOR 24 CHARLES CUNNINGHAM, SR., IRA, DOROTHEA K. OVERLEESE 25 REVOCABLE TRUST, HALSETH FAMILY TRUST, KATRINE 26 MIRZAIAN, ERNEST J. MOORE. DARLENE TURNER, DONALD AND 27 BEVERLY SWEZEY 2001 TRUST. AND DAVID B. KRYNZEL 28

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Affects:

☐ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☑ USA Capital Diversified Trust Deed Fund,
LLC
☐ USA First Trust Deed Fund, LLC

The Court, having considered the Omnibus Objection of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC, To Claims Filed By James W. Shaw, First Trust Company Of Onaga, Custodian For Charles Cunningham, Sr., IRA, Dorothea K. Overleese Revocable Trust, Halseth Family Trust, Katrine Mirzaian, Ernest J. Moore, Darlene Turner, Donald and Beverly Swezey 2001 Trust, and David B. Krynzel (the "Objection"), the Response filed by Donald and Beverly Swezey, Trustees of the Donald Swezey and Beverly W. Swezey 2001 Trust, and Diversified's subsequent Reply; having reviewed the pleadings, papers and records on file in this action; and having considered the representations of counsel, Anne M. Loraditch, of the law firm of Beckley Singleton, Chtd., appearing on behalf of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC ("Diversified"); with no other appearances being noted on the record; appropriate notice of the Objection having been given; and for good cause appearing:

IT IS HEREBY ORDERED that the Objection is sustained.

IT IS FURTHER ORDERED that the claims listed on Exhibit 1, attached hereto and made a part hereof, shall be disallowed in their entirety, and the claimants shall not be entitled to any distribution from USA Capital Diversified Trust Deed Fund, LLC, with respect to such claims.

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     PREPARED AND RESPECTFULLY SUBMITTED BY:
 2
     BECKLEY SINGLETON, CHTD.
 3
     By /s/ Anne M. Loraditch
          BOB L. OLSON, ESQ.
 4
         Nevada Bar No. 3859
 5
          ANNE M. LORADITCH, ESQ.
         Nevada Bar No. 8164
 6
         530 Las Vegas Boulevard South
         Las Vegas, Nevada 89101
 7
                 and
 8
 9
     ORRICK, HERRINGTON & SUTCLIFFE LLP
     Marc A. Levinson (California Bar No. 57613)
10
     Rachel Ragni (California Bar No. 214061)
     400 Capitol Mall, Suite 3000
11
     Sacramento, California 95814-4497
12
     Attorneys for Post-Effective Date USA Capital
13
     Diversified Trust Deed Fund, LLC
14
     APPROVED/DISAPPROVED:
15
16
     DONALD SWEZEY AND BEVERLY W. SWEZEY 2001 TRUST
17
     By /s/ Donald Swezey, Beverly Swezey
         DONALD SWEZEY, TRUSTEE
18
         BEVERLY W. SWEZEY, TRUSTEE
19
         3666 Cherokee Drive
         Carson City, Nevada 89705
20
21
     APPROVED/DISAPPROVED:
     OFFICE OF THE UNITED STATES TRUSTEE
22
     By /s/ August B. Landis
23
         AUGUST B. LANDIS
24
         300 Las Vegas Boulevard, Suite 4300
         Las Vegas, Nevada 89101
25
26
27
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Case: 06-10725-lbr Doc #: 4419 Filed: 08/07/2007 Page: 4 of 5 1 **RULE 9021 DECLARATION** 2 In accordance with Local Rule 9021, the undersigned certifies: 3 The Court waived the requirements of LR 9021. I have delivered a copy of the proposed order to the Office of the United States Trustee 4 and the parties who filed papers in response to the Objection or appeared at the hearing 5 noted above, and each has: approved the form of this order; and/or 6 ☐ waived the right to review the order; and/or ☐ failed to file and serve papers in accordance with LR 9021(c); and 7 the following have disapproved the form of the order: 8 n/a No opposition was filed to the motion and no other party or counsel appeared at the 9 hearing. 10 BECKLEY SINGLETON, CHARTERED 11 12 /s/ Anne M. Loraditch Anne M. Loraditch (Nevada Bar No. 8164) 13 530 Las Vegas Boulevard South Las Vegas, Nevada 89101 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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## **EXHIBIT 1**

Claim Claimant Claim No. Amount James W. Shaw 138 \$26,432.00 139 First Trust Company \$72,070.98 of Onaga, Custodian for Charles Cunningham, Sr., **IRA** 140 Dorothea K. Overleese \$100,000.00 Revocable Trust Daniel R. Halseth & Sandra 141 \$Unknown K. Halseth, TTEES of the Halseth Family Trust Totally Restated 4/21/00 142 Katrine Mirzaian \$344,011.56 143 Ernest J. Moore \$48,047.32 144 Darlene Turner \$24,023.66 145 Donald Swezey and Beverly \$48,465.59 W. Swezey 2001 Trust 146 David B. Krynzel \$147,081.54 David B. Krynzel 147 \$147,081.54

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